

**BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
OCTOBER 4, 2011 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:30 PM Executive Closed Session/8:00 pm Work Session**

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

2. Roll Call:

Committee Assignments:

Mayor Birkner – Present	
Councilmember Grefrath – Excused Absence	Finance, Administration & Capital Projects
Councilmember Phayre - Present	Public Properties
Councilmember Quinn - Present	Health & Recreation
Councilmember Sciara - Present	Fire & Ambulance
Councilmember Waneck - Present	Land Use
Council President Miller - Present	Police & OEM
Borough Administrator Hoffmann – Present	
Borough Attorney Huntington - Present	
Borough Clerk Hughes - Present	

3. Resolution #11 - 216: Executive Closed Session

Motion: Councilmember Sciara Second: Council President Miller

Roll Call: Councilmember Grefrath – Absent	Councilmember Phayre - Yes
Councilmember Quinn – Yes	Councilmember Sciara - Yes
Councilmember Waneck – Yes	Council President Miller – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Phayre Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 8:10 pm.

5. Roll Call II:

Mayor Birkner – Present
Councilmember Grefrath – Excused Absence
Councilmember Phayre - Present
Councilmember Quinn – Present
Councilmember Sciara – Present
Councilmember Waneck - Absent
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Engineer Boswell- Present
Borough Clerk Hughes – Present

6. Flag Salute

Mayor Birkner led those present in the salute to the flag.

7. Proclamation – Put The Brakes On Fatalities Day

8. Minutes – July 19, 2011; Executive Sessions dated August 2, August 16, and September 6, 2011

Motion to adopt the minutes of July 19, 2011: Councilmember Phayre

Second: Council President Miller

Roll Call:	Councilmember Grefrath – Absent	Councilmember Phayre - Yes
	Councilmember Quinn – Yes	Councilmember Sciara - Yes
	Councilmember Waneck – Yes	Council President Miller – Yes

Motion to adopt the Executive Session minutes of August 2, August 16, and September 6, 2011:

Councilmember Phayre Second: Councilmember Quinn

Roll Call:	Councilmember Grefrath – Absent	Councilmember Phayre - Yes
	Councilmember Quinn – Yes	Councilmember Sciara - Yes
	Councilmember Waneck – Yes	Council President Miller – Yes

9. Agenda/Public Forum:

Mayor Birkner suggested that the public forum be moved to the next order of business to accommodate the large audience.

Motion to open the Agenda/Public Forum: Council President Miller

Second: Councilmember Sciara

Voice Vote: A voice vote was taken with all present voting in the Affirmative.

Donald MacLachlan, Counsel for the Hillsdale and Westwood Flood Solution Group (H&WFSG) – asked if it would be possible to hear the report from Dr. Boswell prior to the Public Forum. Mayor Birkner advised that the report is not completed. The report referenced on the agenda is the routine report, not the flood report.

Kevin O'Brien, 28 Summit Avenue – reviewed closed minutes he recently received under OPRA and questioned why certain items were blacked out. Mr. Huntington advised that in the future the Clerk would try to use topically descriptive labels for discussions and link them to the appropriate OPMA exception. Mr. O'Brien voiced his concerns with a seeming lack of compliance to OPMA. Mr. Huntington noted Mr. O'Brien's concerns and complaints, and believes the Borough is operating lawfully and in good faith.

Carolina Marin, 19 Nugent Place – discussed Blue Acres. Ms. Marin requested the Borough designate a person to work with the applicants. Mayor Birkner advised that the Borough has been in contact with

Blue Acres to obtain accurate information on how the program works. It was determined that Mr. Hoffmann would set up a conference call with Blue Acres in which Councilmember Waneck, Mayor Birkner, Mr. Hoffmann, and Ms. Marin would participate.

Larry Edgar, 15 Lockerby Lane – voiced his frustration with the full tax assessment on his home, which Mr. Edgar believes is depressed in value due to the flood damage. Mr. Huntington explained the assessment process, which is established by State statute. He noted that the tax assessor is answerable to the Bergen County Board of Taxation, not the Governing Body.

Rod Cassidy, 132 Harding Avenue – vented his frustration with the recurrent flooding and United Water. Mr. Cassidy implied that the Governing Body did not care. Mayor Birkner responded to the accusation of not caring. He pointed out that the flood study had been commissioned in order to obtain the necessary facts to present to the State in order to modify United Water's permits, which is a previously untried approach.

Don MacLachlan – delivered a letter to the Governing Body on behalf of the H&WSFG, a copy of which is attached. Mr. MacLachlan then reviewed the memo in detail. Mr. Huntington responded that the Governing Body was not in a position at 10:00 pm to respond. They will need to consider, discuss and look into matters that have been raised. Mr. Huntington asked Mr. MacLachlan to make it clear to the group he is representing that he is the spokesperson for the group.

Carolina Marin – discussed the origins and purpose of the H&WSFG.

Motion to close the Agenda/Public Forum: Councilmember Sciara

Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

10. Reports of Committees and Officials:

A) Mayor's Report

Mayor Birkner said the matter for his report was already covered in the various flood discussions.

B) Engineer's Report

1) Bi-weekly Report

Dr. Boswell reviewed the bi-weekly report, a copy of which is attached.

2) Flood Study

Mayor Birkner asked when the draft copy of the flood report would be ready. Dr. Boswell estimated four weeks unless the letter received tonight from the flood group affected the scope of the study. Mr. Huntington suggested that any additional perspective could comprise a second part of the study. Dr. Boswell reminded everyone that the scope of the study is to look at ways

to optimize the operation of the Woodcliff Lake dam in order to mitigate flooding, and modify the permit thereof to force that method of operation upon United Water. The real issue is the release of water, the height at which the bascules operate, the levels at which the water is kept in the winter and summer, and what is done prior to a storm in order to release water to help with the flooding that occurs. Mayor Birkner pointed out that the study also includes the Oradell reservoir and dam, and the impact on the Hackensack River. Dr. Boswell agreed.

Dr. Boswell noted that Boswell Engineering is the Borough Engineer for Garfield and Hawthorne, and as such does the water engineering. He is not actively pursuing work from United Water nor would he even consider doing so during the study. The other municipalities for which Boswell Engineering works have no reservoirs or dams. He sees no conflict of interest as Mr. MacLachlan implies. He would respectfully withdraw from performing the study should the Governing Body see a conflict.

C) Council Liaison & Committee Reports

1) Police and OEM:

a) Police Update

Council President Miller reported that the hiring process has begun to replace a retiring police officer, with 150 applications taken for the test.

b) Shared Dispatch

Council President Miller advised that the joint dispatch proposal from the County has been received. The Chiefs of six communities are exploring alternatives that would meet the requirements of the municipalities.

Mayor Birkner added that many representatives from municipalities have visited the County dispatch facility, and he recommends the other members of the Council do so.

Mayor Birkner met at the Mahwah with representatives from Hillsdale and Washington Twp. The Borough has received a proposal for dispatch through that facility. Mayor Birkner applauds the initiatives of the Chiefs.

2) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara announced that the annual Fire Department inspection is October 22nd.

Councilmember Sciara said he will make all efforts to view the dispatch facility.

3) Public Properties:

a) DPW Update

Councilmember Phayre advised that the DPW is still working out of temporary quarters.

One day a week garbage pickup returned as of October 1st. Next week is the last day of grass pickup

4) Land Use:

a) Environmental Committee Update

Councilmember Waneck noted that she will be adding a resolution to the consent agenda to appoint a student to the Environmental Committee. Mayor Birkner said he is pleased that there are now two students on the board.

b) Historic Committee Update

Councilmember Waneck announced that October 12th is the hearing on the Jefferson Avenue Historic District Designation properties.

5) Health and Recreation:

a) Westvale Playground

Councilmember Quinn advised that the bid opening for the Westvale playground is tomorrow. She looks forward to getting project started.

b) Recreation Update

Councilmember Quinn said the policy for sports organization contributions will be addressed at the next Recreation Board meeting. The concession stand has only been utilized by one organization so far, which is football in the fall. Recreation will look at that policy also, which will be part of the fee ordinance review next year.

D) Attorney's Report

No report

E) Administrator's / Clerk's Report

1) Playground Grant

Mr. Hoffmann advised that the grant agreement has been received from the County for the playground grant.

2) Online Auction

Mrs. Hughes informed about the upcoming online auction.

**11. Ordinances of First & Final Reading:
Ordinances For Introduction**

11-12 Refunding Bond Ordinance Of The Borough Of Westwood, In The County Of Bergen,

New Jersey, Providing For The Refunding Of All Or A Portion Of The Borough's General Improvement Bonds, Series 2003, Dated September 15, 2003, Heretofore Issued To Finance Capital Improvements, Appropriating An Amount Not Exceeding \$4,750,000 Therefor And Authorizing The Issuance Of Not To Exceed \$4,750,000 General Obligation Refunding Bonds Of The Borough Of Westwood For Financing The Cost Thereof

BE IT RESOLVED that Ordinance #11-12 entitled "Refunding Bond Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Refunding Of All Or A Portion Of The Borough's General Improvement Bonds, Series 2003, Dated September 15, 2003, Heretofore Issued To Finance Capital Improvements, Appropriating An Amount Not Exceeding \$4,750,000 Therefor And Authorizing The Issuance Of Not To Exceed \$4,750,000 General Obligation Refunding Bonds Of The Borough Of Westwood For Financing The Cost Thereof" is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a October 18, 2011 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Phayre

Second: Council President Miller

Roll Call: Councilmember Grefrath – Absent	Councilmember Phayre - Yes
Councilmember Quinn – Yes	Councilmember Sciara - Yes
Councilmember Waneck – Yes	Council President Miller – Yes

11-13 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Installation Of Barrier Free Curb Cuts At Various Locations In The Borough Of Westwood And Appropriating \$168,000 (Including Grants In The Total Amount Of \$141,335 Expected To Be Received From The State Of New Jersey, Department Of Transportation) Therefor And Providing For The Issuance Of \$26,665 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #11-13 entitled "An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Installation Of Barrier Free Curb Cuts At Various Locations In The Borough Of Westwood And Appropriating \$168,000 (Including Grants In The Total Amount Of \$141,335 Expected To Be Received From The State Of New Jersey, Department Of Transportation) Therefor And Providing For The Issuance Of \$26,665 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same" is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a October 18, 2011 hearing date in the official newspaper according to

law.

Motion to pass the ordinance on First Reading: Councilmember Phayre

Second: Council President Miller

Roll Call: Councilmember Grefrath – Absent	Councilmember Phayre - Yes
Councilmember Quinn – Yes	Councilmember Sciara - Yes
Councilmember Waneck – Yes	Council President Miller – Yes

12. Presentation of Bills, Financial Reports and Resolutions:

Mayor Birkner advised that the following Resolutions would be enacted in one motion. Councilmembers who wished to remove any Resolution(s) to be voted upon separately, had the opportunity to do so at this time, and said Resolutions would be considered separately. Resolutions m and n were added at this time. Resolution g, Authorization to Repave the Westwood Library Parking Lot, was removed.

Councilmember Phayre asked Mr. Hoffmann whether the Donnelly payment is the final one. Mr. Hoffmann said it is not.

Mr. Huntington asked if the Governing Body would like to add the Greentree Developers Agreement for authorization. The funding is in place. Councilmember Waneck asked if there are proposed changes to site plan. Mr. Huntington said if the site plan was changed they would have to amend the developer's agreement. Greentree asked to proceed with the specific project as approved by the Planning Board and are seeking a developers agreement confirming the approvals by the Planning Board. Mr. Huntington read the resolution which was added to the consent agenda as 'o'.

Resolutions as Consent Agenda:

- a) **Resolution #11 - 217: Bill List & Statement of Cash**
- b) **Resolution #11 - 218: Resolution Of The Borough Of Westwood, In The County Of Bergen, New Jersey Making Application To The Local Finance Board Pursuant To N.J.S.A. 40A:2-51**
- c) **Resolution #11 - 219: Authorization for Community Development Grant Agreement (Senior Citizen Program) 2011-2012**
- d) **Resolution #11 - 220: Authorization to Enter Grant Agreement – Barrier Free Curb Cuts**
- e) **Resolution #11 - 221: Westwood Fire Department – Matters of Personnel**
- f) **Resolution #11 - 222: Authorization to Install Handicapped Parking at Westvale Park**
- h) **Resolution #11 - 223: Authorization of Engineering Services for Various Handicap Curb Cuts and ADA Ramps Throughout the Borough**
- i) **Resolution #11 - 224: Transfer to Department of Public Works**
- j) **Resolution #11 - 225: Award of Contract for 2011 NJDOT Road Improvement Program (#107-PVCPS)**
- k) **Resolution #11 - 226: Change Order #1 and Estimate #1 for the Pascack Valley**

Cooperative Pricing Program 2011 Resurfacing Program

- l) Resolution #11 - 227: Authorization Disposal of Surplus Property by Online Auction**
- m) Resolution #11 – 228: Appointment to the Environmental Committee**
- n) Resolution #11 – 229: Authorization to Enter Grant Agreement - Westvale Park ADA Compliant Playground**
- o) Resolution #11 – 230: Authorizing Execution of a Developers Agreement between the Borough of Westwood and Greentree Developers LLC et als**

Motion to adopt resolutions #11-217 through #11-230: Councilmember Waneck
Second: Council President Miller

Roll Call: Councilmember Grefrath – Absent Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

13. Adjournment:

Motion to adjourn: Councilmember Sciara Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 10:36 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk